

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Metodio Cruz Gallegos, Sr.

(b) County of Residence of First Listed Plaintiff Cameron County, Texas  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Frank W. Robertson; Michael Gomez; Philip K Broderick  
Jim S. Adler & Associates; 12605 East Freeway, Suite  
400; Houston, Texas 77015; 713-335-1021

## DEFENDANTS

Starr Oilfield Services, LLC; and  
Jeffrey Emmett SistrunkCounty of Residence of First Listed Defendant Tulsa County, Oklahoma  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Darrell L. Barger; Stephanie J. Roark; Victoria L. Ryon  
Hartline Barger, LLP; 8750 N. Central Expy, Suite 1600  
Dallas, Texas 75231; 214-369-2100

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                                   |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§ 1332, 1441

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
1,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

May 3, 2021

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**SUPPLEMENTAL CIVIL COVER SHEET  
FOR CASES REMOVED FROM STATE COURT**

THIS FORM MUST BE ATTACHED TO THE CIVIL COVER SHEET AT THE TIME THE CASE IS FILED IN THE UNITED STATES DISTRICT CLERK'S OFFICE. ADDITIONAL SHEETS MAY BE USED AS NECESSARY.

**1. STATE COURT INFORMATION:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court:

<u>Court</u>	<u>Case Number</u>
224 <sup>th</sup> Judicial District Court of Bexar County, Texas	2020CI22471

**2. STYLE OF THE CASE:**

Please include all Plaintiffs, Defendants, Intervenors, Counterclaims, Crossclaims, and Third Party Claims still remaining in the case and indicate their party type. Also please list the attorney(s) of record for each party named, and include the attorney's bar number, firm name, correct mailing address, and phone number including the area code.

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Plaintiff Metodio Cruz Gallegos, Sr.	Frank W. Robertson Texas State Bar No.: 24033129 froberton@jimadler.com Michael Gomez Texas State Bar No.: 24029578 mgomez@jimadler.com Philip K. Broderick Texas State Bar No.: 24094561 pbroderick@jimadler.com Jim S. Adler & Associates 12605 East Freeway, Suite 400 Houston, Texas 77015 713-335-1021 713-335-1018 (fax)

Defendant Starr Oilfield Services, LLC	<p>Stephanie J. Roark  State Bar No. 24070498  sroark@hartlinebarger.com  Victoria L. Ryan  State Bar No. 24068600  vryon@hartlinebarger.com  Hartline Barger LLP  8750 N. Central Expressway, Suite 1600  Dallas, TX 75231  (214) 369-2100  (214) 369-2118 facsimile</p> <p>and</p> <p>Darrell L. Barger  State Bar No. 01733800  dbarger@hartlinebarger.com  Hartline Barger Llp  800 North Shoreline Blvd.  Suite 2000 – North Tower  Corpus Christi, Texas 78401  (361) 866-8000  (361) 866-8039 facsimile</p>
Defendant Jeffrey Emmett Sistrunk	<p>Stephanie J. Roark  State Bar No. 24070498  sroark@hartlinebarger.com  Victoria L. Ryan  State Bar No. 24068600  vryon@hartlinebarger.com  Hartline Barger LLP  8750 N. Central Expressway, Suite 1600  Dallas, TX 75231  (214) 369-2100  (214) 369-2118 facsimile</p> <p>and</p> <p>Darrell L. Barger  State Bar No. 01733800  dbarger@hartlinebarger.com  Hartline Barger Llp  800 North Shoreline Blvd.  Suite 2000 – North Tower  Corpus Christi, Texas 78401  (361) 866-8000  (361) 866-8039 facsimile</p>

**3. JURY DEMAND:**

Was Jury Demand made in State Court?   X   Yes        No

*If "Yes," by which party and on what date?*

Plaintiffs made a Jury Demand in their Original Petition filed with the 224<sup>th</sup> District Court of Bexar County, Texas on November 18, 2020.

**4. ANSWER:**

Was an Answer made in State Court?   X   Yes        No

*If "Yes," by which party and on what date?*

Defendant Starr Oilfield Services, LLC filed their Original Answer with the 224<sup>th</sup> District Court of Bexar County, Texas on February 24, 2021.

Defendant Jeffrey Emmett Sistrunk filed his Original Answer with the 224<sup>th</sup> District Court of Bexar County, Texas on \_\_\_\_\_.

**5. UNSERVED PARTIES:**

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
None	n/a

**6. NONSUITED, DISMISSED, OR TERMINATED PARTIES:**

Please indicate any changes from the style on the state court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
None	n/a

**7. CLAIMS OF THE PARTIES:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<b><u>Party</u></b>	<b><u>Claim(s)</u></b>
Plaintiff Metodio Cruz Gallegos, Sr.	Generally, Plaintiff alleges negligence against Defendant Jeffrey Emmett Sistrunk for failing to yield to the right of way at a stop sign and failing to pay attention to the roadway around him, causing him to sustain injury. Plaintiff further alleges Defendant Starr Oilfield Services, LLC is vicariously liable for Defendant Sistrunk's negligence and under the theory of respondeat superior.
Defendant Starr Oilfield Services, LLC	Defendant denies Plaintiff's claims and also asserts that appropriate affirmative defenses bar the claims.
Defendant Jeffrey Emmett Sistrunk	Defendant denies Plaintiff's claims and also asserts that appropriate affirmative defenses bar the claims.